

MAR 21 2007

PTO/SB/21 (07-06)

Approved for use through 09/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

2

Application Number	10/665258
Filing Date	09/20/2003
First Named Inventor	KURUP
Art Unit	3711
Examiner Name	NINI LEGESSE
Attorney Docket Number	KURUP-3


ENCLOSURES (Check all that apply)

- | | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input type="checkbox"/> Other Enclosure(s) (please identify
below): |
|---|--|---|

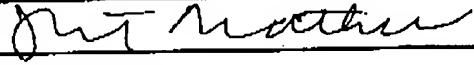
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	ROBERT NATHANS, PATENT ATTORNEY		
Signature			
Printed name	ROBERT NATHANS		
Date	03/20/2007	Reg. No.	19558

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	ROBERT NATHANS	Date	03/20/2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED
CENTRAL FAX CENTER****MAR 21 2007****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Shree Kurup
Application no. 10/665,256
Filed 09/20/2003

Group art unit: 3711
Examiner: Nini Legesse

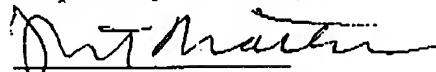
**NOVELTY FRAMELESS EYE WEAR
FOR PROMOTING SOCIABILITY**

Applicant filed a response to the first office action on 05/06/2006. The examiner stated in a telephone call to the undersigned attorney on March 20, 2007, that a final rejection was mailed to applicants attorney at 36 Stag Drive, Billerica MA 01821 in June of 2006 and was returned to the PTO by the Post Office as undeliverable.

The undersigned attorney has had this correspondence address continuously from 1967 up to the present and states that he never received the office action.

There was no notification of the application being abandoned. Should a question ever be raised as to whether the application became abandoned, it is respectfully submitted that a petition to withdraw a holding of abandonment based on failure to receive the office action under MPEP 711.03 (c) is unnecessary and inappropriate since the office action was returned to the PTO by the Post Office as undeliverable. Thus, the record clearly shows that the undersigned attorney never received the final rejection and it is requested that the final rejection be re-mailed to the undersigned attorney at 36 Stag Drive, Billerica, MA 01821 as suggested by the examiner.

Respectfully submitted,



Robert Nathans
Registration # 19,558.
978-667-3060